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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,490	07/22/2002	Soojin Kim	9766-US-212	2915

31561 7590 07/29/2004

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI, 100
TAIWAN

EXAMINER

VO, HAI

ART UNIT PAPER NUMBER

1771

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,490

Applicant(s)

KIM, SOOJIN

Examiner

Hai Vo

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The claim objections have been overcome by the present amendment.
2. The terminal disclaimer filed on 06/21/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,114,260 has been reviewed and is accepted. The terminal disclaimer has been recorded. The double patenting rejections have been withdrawn in view of the submission of the terminal disclaimer.
3. All of the art rejections are maintained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1, 2, 4, 6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lasman et al (US 4,017,656) in view of JP 08-232174 substantially as set forth in the 03/23/2004 Office Action.
6. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lasman et al (US 4,017,656) in view of JP 08-232174, as applied to claim 1 or 2 above, further in view of Nishibayashi et al (US 3,939,021) substantially as set forth in the 03/23/2004 Office Action. Since the Nishibayashi et al is used as a teaching reference to motivate modification of the Lasman reference, the phrase "as evidenced by Nishihayashi et al" is now replaced with --in view of Nishihayashi et al -

- in accordance with proper modification of the primary reference. The substitution technically does not change the fundamental of the rejections.

7. Claims 7, 8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lasman et al (US 4,017,656) in view of JP 08-232174, as applied to claims 1 or 2 above, in view of Higgs et al (US 3,661,674) substantially as set forth in the 03/23/2004 Office Action. Similarly, since the Higgs et al is used as a teaching reference to motivate modification of the Lasman reference, the phrase "as evidenced by Higgs et al" is now replaced with --in view of Higgs et al -- in accordance with proper modification of the primary reference. Again, the substitution technically does not change the fundamental of the rejections.

Response to Arguments

8. The art rejections have been maintained for the following reasons. Applicants argue that Lasman does not teach co-existence of porous layer and open-cell foamed layer. The examiner disagrees. Lasman teaches an imitation leather material having a layer construction as follows: imitation leather-like surface 24, thin urethane skin 12, high density foam layer 14, lower density foam layer 16, hot melt adhesive layer 18 and a woven fabric base 20 (figure 1). Lasman teaches the lower density foam layer having a density of 5.8 lbs/gal or a specific gravity of 0.7, within the claimed range (column 6, lines 60-61). The high density foam layer of Lasman corresponds to Applicants' porous layer while the lower density foam layer corresponds to Applicants' thermally fused open-cell foamed layer. Lasman discloses that the **two foam layers** are dried and cured (column 6, lines 40-65). Lasman does teach co-

existence of porous layer and open-cell foamed layer. Accordingly, the art rejections are sustained.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-1485. The examiner can normally be reached on M,T,Th, F, 7:00-4:30 and on alternating Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HV



TERREL MORRIS
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